

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

McGREGOR et al.

Appln. No. 10/526,479

Filed: April 8, 2005

FOR: IN VITRO PEPTIDE EXPRESSION LIBRARY

Confirmation No. 4224

Atty. Ref.: 117-533

T.C. / Art Unit: 1636

Examiner: J.L. Epps Ford

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**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

February 3, 2009

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Compliant Amendment mailed December 3, 2008, Applicants submit that their response filed August 21, 2008 does comply with 37 CFR §§ 1.121 and 1.4 for the reasons explained below. Thus, they respectfully request that their Amendment be entered and considered by the Examiner.

In the Notice, the Examiner stated that the drawings remained objected to under 37 CFR § 1.83(a) because they fail to show details as described in the specification. This is a new objection because it appears that the previous objection against allegedly missing details in Figure 5 appears to have been overcome by the response of August 21, 2008. She stated in the Notice that "drawings 6, 8, and 9 all comprise multiple bar graphs representing the results of multiple experiments." Applicants agree with the Examiner's description of Figs. 6 and 8-9. She further alleged, "However, there are multiple columns without shading, and therefore one is unable to determine from the graph, the figure legend or the description of the drawings in the specification, which column refers to which specific experimental data set." Applicants disagree with the Examiner's allegation because columns are differently shaded for each drawing and the experimental data set for each column can be determined from the three sources she lists.

Fig. 6 shows seven clones producing anti-V5 antibody (numeral from 1 to 7) and a clone producing a negative control (numeral 8) as described on page 5, lines 28-29, and page 6, lines 1-2, of the specification respectively. For each group of columns (i.e., bars) above the numerals 1 to 8, there are four different shadings. The description of the drawing states, "The bars in group of four represent the ELISA signal of the clones screened against from left to right anti-human kappa region antibody, anti-V5 antibody, BSA, and blank" (emphasis added) from page 5, lines 30-31, to page 6, line 1, of the specification.

Fig. 8 shows two differently-shaded columns. Within the drawing, the two types of shading correspond to anti-V5 and anti-ACTH peptide antibodies. These descriptions are consistent with the description of Fig. 8 at page 6, lines 7-10, of the specification.

Fig. 9 shows three differently-shaded columns. Within the drawing, the three types of shading correspond to ovalbumin, anti-V5 antibody, and plastic (blocked ELISA plate) respectively. These descriptions are also consistent with the description of Fig. 9 at page 6, lines 11-14, of the specification.

Therefore, since Applicants submit that their response filed August 21, 2008 complies with all applicable regulations, it should be acted on as responsive to the Office Action mailed October 5, 2007.

Applicants petition for a one-month extension in the time period for response; attached is the required fee. The Examiner is invited to contact the undersigned if any further information is required.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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